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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL  
LITIGATION

No. 4:20-cv-03919 CW

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER REGARDING  
THIRD-PARTY PRODUCTIONS IN  
RESPONSE TO SUBPOENAS**

Hon. Claudia Wilken

Pursuant to Northern District of California Civil Local Rule 7-12, Plaintiffs in the above-captioned action and Defendants National Collegiate Athletic Association (“NCAA”), Pac-12 Conference (“Pac-12”), Big Ten Conference, Inc. (“Big Ten”), Big Twelve Conference, Inc. (“Big 12”), Southeastern Conference (“SEC”), and Atlantic Coast Conference (“ACC”) (collectively, “Defendants”) (Plaintiffs and each Defendant is referred to herein as a “Party” and all Defendants together with Plaintiffs, the “Parties”), by and through their respective undersigned counsel of record, submit the following Stipulation and Proposed Order:

WHEREAS, certain subpoenaed non-parties to this litigation, in connection with discovery in the litigation, have produced documents to the Parties;

WHEREAS, the Parties desire to have an efficient process for the exchange of documents produced by non-parties;

WHEREAS, the Parties have met and conferred and agreed upon the terms of this Joint Stipulation Regarding Third Party Productions in Response to Subpoenas (the “Stipulation”).

THEREFORE, THE PARTIES, THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE, SUBJECT TO COURT APPROVAL, THAT:

1. Beginning on the date that this Stipulation is entered, each Party will produce documents subpoenaed by that Party (“the Subpoenaing Party”) to all of the other Parties in the case on a rolling basis no later than two (2) weeks following production by the subpoenaed non-party, unless the Subpoenaing Party explains in writing to the other Parties in that timeframe that production will be delayed due to the size of the production, the amount of pre-production work needed to complete production, or provides another good-faith reason that the production will be delayed, in which case production will be made as soon as reasonably possible.

2. Any Subpoenaing Party that receives formal responses and objections to a subpoena or a production cover letter will produce those documents to all of the other Parties in the case no later than two (2) weeks following receipt by the Subpoenaing Party.

3. Subpoenaing Parties that have received document productions from subpoenaed non-parties, responses and objections to subpoenas, or production cover letters prior to the date that this Stipulation is entered will provide all produced documents, as well as any responses and objections and production cover letters, to all of the other parties in the case no later than fifteen (15) business days following the date of entry of this Stipulation.

4. For subpoenas served after the entry of this Stipulation, the Subpoenaing Party will produce any final agreements reached with subpoenaed parties to all other Parties summarizing what will be produced.

5. If a Subpoenaing Party receives a production from a subpoenaed non-party that lacks bates numbers, the Subpoenaing Party will add bates numbers for ease of reference. The Subpoenaing Party will produce to the other Parties two versions of the documents: the original production without bates numbers, and the production with bates numbers added, within the timelines outlined in paragraphs 1 and 3, *supra*. If a Subpoenaing Party receives a production from an NCAA member institution or other subpoenaed non-party that bears a duplicate bates prefix to a bates stamp already used in this litigation, that Party will add a unique bates prefix for ease of reference, within the timelines outlined in paragraphs 1 and 3, *supra*.

Dated: January 6, 2022

Respectfully submitted,

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**E-FILING ATTESTATION**

I, Steve W. Berman, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Steve W. Berman  
STEVE W. BERMAN (*pro hac vice*)

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: January 6, 2022



THE HONORABLE CLAUDIA WILKEN  
United States District Court Judge